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10
11 **IN THE UNITED STATES DISTRICT COURT**
12
13 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

14 UNITED STATES OF AMERICA,

15 Case No.: 2:21-CR-0079-TLN

16 Plaintiff,

17 vs.
18 STIPULATION AND ORDER TO EXCLUDE
19 TIME

20 AUSTREBERTO SANTAMARIA-VALENCIA ,

21 Defendant.
22 Date: August 31, 2023
23 Time: 9:30 a.m.
24 Hon. Troy L. Nunley

25 **STIPULATION**

26 1. By previous order, this matter was set for status on August 31, 2023.
27 2. By this stipulation, defendant now moves to continue the status conference until October
28 26, 2023, at 9:30 a.m., and to exclude time between August 31, 2023, and October 26, 2023, under
Local Code T4.

29 3. The parties agree and stipulate, and request that the Court find the following:
30 a.) The government has produced the discovery associated with this case including,
31 among other things, investigative reports, photographs, and video recordings.
32 b.) Counsel for defendant desires additional time to consult with his client, to review

1 the current charges, to conduct an investigation and research related to the charges, to review
2 discovery for this matter, to discuss potential resolutions with his client, and to prepare pretrial
3 motions.

4 c.) Defense counsel believes that failure to grant the above-requested continuance
5 would deny counsel the reasonable time necessary for effective preparation, taking into account
6 the exercise of due diligence.

7 d.) The government does not object to the continuance.

8 e.) Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendant in a trial within the
10 original date prescribed by the Speedy Trial Act.

11 f.) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
12 et seq., within which trial must commence, the time period of August 31, 2023 to October 26,
13 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Rule
14 T4] because it results from a continuance granted by the Court at defendant's request on the basis
15 of the Court's findings that the ends of justice served by taking such action outweigh the best
16 interest of the public and the defendant in a speedy trial.

17 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
18 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
19 must commence.

20 IT IS SO STIPULATED.

21 Date: August 25, 2023

22 /s/ Matthew C. Smith
23 MATTHEW C. SMITH
24 Attorney for Defendant
25 Austreberto Santamaria-Valencia

26 Date: August 25, 2023

27 /s/ James R. Conolly
28 James R. Conolly
2 Assistant United States Attorney
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FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 28th day of August, 2023.

Troy L. Nunley
United States District Judge